



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

**5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912**

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

**URGENT LEGAL MATTER
REQUIRES PROMPT RESPONSE**

April 9, 2015

Scott Salmon, President
Oldcastle Lawn & Garden, Inc.
900 Ashwood Parkway, Ste. 600
Atlanta, Georgia 30338

Re: Clean Air Act Testing Order

Dear Mr. Salmon:

The United States Environmental Protection Agency ("EPA") is evaluating emissions from the rotary lime kiln owned and operated by Oldcastle Lawn & Garden, Inc. ("Oldcastle") located at 110 Marble Street in Lee, Massachusetts, to determine if Oldcastle is in compliance with the Clean Air Act ("the Act") and state and federal regulations promulgated under the Act.

Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1), gives EPA the authority to require any person who owns or operates any emission source to establish and maintain records, make reports, sample emissions, and provide such other information as may reasonably be required to enable EPA to determine whether a facility is in compliance with the Clean Air Act.

This Testing Order requires Oldcastle to sample and test its rotary lime kiln and associated control equipment (cyclone and fabric filter) for emissions of nitrogen oxide (NO_x), carbon monoxide (CO), particulate matter (PM), opacity, sulfur dioxide (SO₂), hydrochloric acid (HCL), and total hazardous air pollutants (HAPs).

Testing Order

Oldcastle shall develop an emissions testing protocol for EPA approval, and shall subsequently conduct emissions testing.

- 1) The emissions testing shall be designed to sample and test all emissions of NO_x, CO, PM, opacity, SO₂, HCL, and HAPs from the rotary lime kiln while operating the kiln on coal at ninety percent, or more, of its maximum production rate.
- 2) In conducting emissions testing, Oldcastle shall:
 - a) Use Methods 1-4, as set forth at 40 CFR Part 60, Appendix A, as applicable, for determining the concentration and mass emission rates of NO_x, CO, PM, opacity, SO₂, HCL, and HAPs;
 - b) Use Method 7, and/or other EPA approved methods for measuring NO_x;
 - c) Use Method 10B, and/or other EPA approved methods for measuring CO;
 - d) Use Method 5 or Method 17, and/or other EPA approved methods for measuring PM;
 - e) Use Method 9 for measuring opacity;
 - f) Use Method 6, and/or other EPA approved methods for measuring SO₂;
 - g) Use Method 26, and/or other EPA approved methods for measuring HCL; and
 - h) Use Method TO-15, and/or other EPA approved methods for measuring HAPs.
- 3) The following operating parameters shall be monitored and recorded during the emissions testing and each shall be reported in the final test report:
 - a) Kiln fuel feed rate;
 - b) Quantity of coal burned in the kiln during each emissions test run;
 - c) Records of the amount of any material added to the fuel, kiln, or exhaust gas in an effort to enhance the performance of any emission control system or device;
 - d) Kiln heat input;
 - e) Lime production rate;
 - f) Fabric Filter/Baghouse temperature;
 - g) Fabric Filter/Baghouse pressure differential (inches of water);
 - h) All continuous emission monitor data, if applicable; and
 - i) All continuous opacity monitor readings, if applicable.

Oldcastle shall prepare for and conduct emissions testing according to the following schedule:

- 4) Within 30 days of the date Oldcastle receives this letter, contact EPA's Bill Osbahr, at (617) 918-8389, to schedule a conference. At this conference, EPA will review with Oldcastle the testing procedures, monitoring procedures, and testing methods described above and discuss the development of a testing protocol.

- 5) Within 60 days of the date Oldcastle receives this letter, prepare and mail to EPA for review and approval an emissions testing protocol that incorporates the procedures/methods described above.
- 6) Within 30 days of receiving EPA comments on the draft protocol, Oldcastle shall revise and resubmit the emissions testing protocol in accordance with EPA's comments or required changes. EPA shall approve, approve with conditions, or disapprove the revised emissions testing protocol in writing.
- 7) Within 30 days of the date EPA approves the protocol, Oldcastle shall hold a pre-test meeting with EPA and schedule the testing date(s). The test must take place no later than 60 days from the pre-test meeting.
- 8) Within 45 days of completing the test, Oldcastle must submit a complete test report to EPA.

Note that Attachment A to this Testing Order lists required elements of pre-test protocols and test reports.

Mail the submissions required by this letter to:

Susan Studlien, Director
Office of Environmental Stewardship
U.S. Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100, OES04-2
Boston, MA 02109-3912
Attn: Tom McCusker, Air Technical Unit (Mail Code OES04-2)

Be aware that if Oldcastle does not provide the information in a timely manner, EPA may order it to comply and may assess monetary penalties under Section 113 of the Clean Air Act. Federal law also establishes criminal penalties for providing false information to EPA. This letter is not subject to Office of Management and Budget review pursuant to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

You may assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 CFR § 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 CFR Part 2, Subpart B. Note that certain categories of information, such as emission data, are not properly the subject of such a claim. If no such claim accompanies the information when EPA receives it, EPA may make the information available to the public without further notice to you.

If you have any questions regarding this Testing Order, please contact Tom McCusker, Environmental Engineer, at (617) 918-1862, or have your attorney call Thomas T. Olivier, Senior Enforcement Counsel at (617) 918-1737.

Sincerely,



Susan Studlien, Director
Office of Environmental Stewardship

cc: Jeff Jager, Plant Manager, Oldcastle
William Osbahr, EPA, OEME
Saadi Motamedi, MassDEP, WERO

Enclosures